

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK GIBSON,)	
)	
Petitioner,)	Civil Action No. 2:23-cv-00167
)	
v.)	Judge Robert J. Colville
)	Magistrate Judge Richard A. Lanzillo
PENNSYLVANIA BOARD OF)	
PAROLE AND PROBATION and)	
SUPERINTENDENT LEE J. ESTOCK,)	
)	
Respondents.)	

ORDER OF COURT

Before the Court is the Report and Recommendation (ECF No. 12) filed by the Honorable Cynthia Reed Eddy. Judge Eddy’s September 11, 2023 Report and Recommendation recommends that Petitioner’s Petition for Writ of Habeas Corpus (ECF No. 3) be denied. Objections to the Report and Recommendation were due by October 2, 2023. ECF No. 12. No objections were filed, and the Court considers the matter ripe for disposition.

Objections to a magistrate judge’s disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. *Id.* Following de novo review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as

‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon reasoned consideration of Judge Eddy’s Report and Recommendation and the relevant docket entries, it is hereby ORDERED as follows:

The Court agrees with the thorough and well-reasoned analysis set forth in Judge Eddy’s Report and Recommendation, and the Court accepts and adopts Judge Eddy’s Report and Recommendation in its entirety as the opinion of the Court. Petitioner’s Petition for Writ of Habeas Corpus is denied and a certificate of appealability is denied.

The denial of a certificate of appealability does not prevent Petitioner from appealing the order denying his petition so long as he seeks, and obtains, a certificate of appealability from the court of appeals. *See* Fed.R.App.P. 22(b)(1), (2). Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure. The Clerk of Court shall mark this case CLOSED.

BY THE COURT:

/s/Robert J. Colville
Robert J. Colville
United States District Judge

Dated: June 17, 2024

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge

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All counsel of record via CM/ECF